

in order to perfect the security interest. If a vehicle is subject to a security interest when brought into this state, the validity of the security interest and the date of perfection is determined by section 554.9103. Delivery as provided in this subsection is an indication of a security interest on a certificate of title for purposes of chapter 554.

Approved May 30, 1989

CHAPTER 261

CITY CIVIL ACTION FOR DAMAGES

S.F. 366

AN ACT authorizing a city to seek a judgment against a property owner for improvements made to the property.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 364.12, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4. In addition to any other remedy provided by law, a city may also seek reimbursement for costs incurred in performing any act authorized by this section by a civil action for damages against a property owner. However, a city shall not seek reimbursement for costs incurred in performing an act if the same act has not been performed by the city on adjoining city-owned property. For the purposes of this subsection, a county acquiring property for delinquent taxes shall not be considered a property owner.

Approved May 30, 1989

CHAPTER 262

PEER REVIEW COURT FOR YOUTHFUL OFFENDERS

H.F. 71

AN ACT establishing pilot projects for a peer review court as a diversion program for offenders ten through seventeen years of age.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 602.6110 PEER REVIEW COURT — PILOT PROJECTS.**

1. A peer review court is established as a pilot program to divert youthful offenders from the criminal or juvenile justice systems. The court shall consist of a qualified adult to act as judge with prosecutor, defense counsel, court attendant, clerk, and jury composed of persons ten through seventeen years of age.

2. The jurisdiction of the peer review court extends to those persons ten through seventeen years of age who have committed misdemeanor offenses or delinquent acts which would be misdemeanor offenses if committed by an adult and who have entered a plea of guilty, entered into an informal adjustment agreement, or agreed to the entry of a consent decree to those offenses in district or juvenile court. Those persons may then elect to appear before the peer review court to receive sentence. The peer review court shall not determine guilt or innocence. The peer review court shall only determine the sentence for the offense. The sentence

may consist of fines, restrictions for damages, attendance at treatment programs, or community service work or any combination of these. A person appearing before the peer review court may also be required to serve as a juror on the court as a part of the person's sentence.

3. Subject to the agreement of the chief judge of the judicial district, the supreme court shall designate two judicial districts in which to locate a peer review court pilot project. The chief judge of the district shall appoint a peer review court advisory board. The advisory board shall adopt rules for the peer review court advisory program, shall appoint persons to serve on the peer review court, and shall supervise the expenditure of funds appropriated to the program.

Approved May 31, 1989

CHAPTER 263

OBSCENITY LAW

H.F. 740

AN ACT relating to obscenity law, providing penalties, and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 728.1, subsection 8, Code 1989, is amended to read as follows:

8. ~~Prohibited~~ Unless otherwise provided, "prohibited sexual act" means any of the following:
- a. A sex act as defined in section 702.17;
 - b. An act of bestiality involving a ~~child;~~ minor.
 - c. Fondling or touching the pubes or genitals of a ~~child;~~ minor.
 - d. Fondling or touching the pubes or genitals of a person by a ~~child;~~ minor.
 - e. Sadomasochistic abuse of a ~~child~~ minor for the purpose of arousing or satisfying the sexual desires of a person who may view a depiction of the abuse;
 - f. Sadomasochistic abuse of a person by a ~~child~~ minor for the purpose of arousing or satisfying the sexual desires of a person who may view a depiction of the abuse; ~~or.~~
 - g. Nudity of a ~~child~~ minor for the purpose of arousing or satisfying the sexual desires of a person who may view a depiction of the nude ~~child~~ minor.

Sec. 2. Section 728.4, Code 1989, is amended to read as follows:

728.4 RENTAL OR SALE OF HARD CORE PORNOGRAPHY.

A person who knowingly rents, sells, or offers for rental or sale material depicting a sex act involving sadomasochistic abuse, excretory functions, patently offensive representations of oral, anal, or vaginal intercourse, actual or simulated, involving humans, or depicting patently offensive representations of masturbation, excretory functions, or bestiality, or lewd exhibition of the genitals, which the average adult taking the material as a whole in applying statewide contemporary community standards would find appeals to the prurient interest and is patently offensive; and which material, taken as a whole, lacks serious literary, scientific, political, or artistic value, upon conviction is guilty of an aggravated misdemeanor. However, second and subsequent violations of this section by a person who has been previously convicted of violating this section are class "D" felonies. Charges under this section may only be brought by a county attorney or by the attorney general.

Sec. 3. Section 728.12, Code 1989, is amended to read as follows:

728.12 SEXUAL EXPLOITATION OF ~~CHILDREN~~ A MINOR.

1. A person commits a class "C" felony when the person employs, uses, persuades, induces, entices, coerces, knowingly permits, or otherwise causes a ~~child~~ minor to engage in a prohibited